Hameli case is back to square one

By JERRY HAGER
Staff reporter

WILMINGTON — After two years and more than $200,000 paid to him in salary, the sexual harassment case against Delaware's chief medical examiner, Dr. Ali Z. Hameli, is back to square one.

A federal judge ruled this week that a federal magistrate should not have presided over Hameli's personnel hearing in 1995.

Dr. Ali Hameli

The judge's ruling means the state must now hold a new hearing before it can fire Hameli.

The ruling is a victory for the state, which wanted U.S. Magistrate Mary Pat Trostle's ruling overturned because she decided that the state had no reason to fire Hameli in 1994 after he was accused of sexually harassing two former female employees.

Since his reinstatement, he has been suspended with pay and has been paid more than $200,000.

"The improvident detour the parties voluntarily chose has now deposited them at the exact point where they stood nearly two years ago," U.S. District Judge Sue L. Robinson noted in her 32-page opinion made public Friday.

In the opinion, Robinson called the work by Trostle "a monumental waste of time and money."

Hameli is the state's first medical examiner. In his 30 years in that position he gained an international reputation for his work in forensics medicine.

The decision is based on a technical legal issue concerning federal court jurisdiction, said Hameli's lawyer, Sheldon N. Sandler. "It's important to remember that the judge did not overturn the finding that there was no cause to terminate Dr. Hameli and he was not guilty of sexual harassment," Sandler said.

Sandler could appeal the ruling or could do nothing and have another hearing. He said he has not decided what action to take, if any, in reaction to Robinson's decision.

After his firing in 1994, Hameli sued in federal court, claiming that the state violated his constitutional right to due process by not giving him a hearing.

In September of that year, Robinson agreed in a pretrial ruling and ordered him reinstated and also ordered the state to give him what amounts to a personnel hearing.

Trostle was drafted by the attorneys to preside over the personnel hearing.

Robinson said the federal magistrate had no right to get involved in a state matter.

"From the outset, the parties had no clear conception of the magistrate judge's role, nor did they appear to focus at any point on the issue of whether she had jurisdiction to hear the matter," Robinson wrote.

Robinson wrote that Hameli's suit and the state's attempt to fire him were two separate issues, one involving a federal issue and the other a state issue.